

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**ROBERT LEE WIGGINS, in his
individual capacity and on behalf of
others similarly situated,**

Plaintiff,

-against-

**THE GARDEN CITY GOLF CLUB,
a/k/a GARDEN CITY MEN'S CLUB
d/b/a GARDEN CITY GC,**

Defendant.

Index No.: 16 Civ. 5959 (LDW) (GRB)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, dated April 13, 2017, the Affirmation of Joshua Marcus, dated April 13, 2017, and all prior pleadings and proceedings herein, Defendant will move this Court before the Honorable Judge Leonard D. Wexler, 944 Federal Plaza, Central Islip, NY 10007, Room 940, at a time to be determined by the Court, or as soon thereafter as counsel may be heard, for an Order:

- (1) dismissing Plaintiff's Amended Complaint pursuant to Fed. R. Civ. P. 12 (b)(6);
and
- (2) for such other and further relief as may be just and proper.

Dated: Garden City, New York
April 13, 2017

Respectfully submitted,

By: /s/
Joshua Marcus, Esq.
Jasmine Patel, Esq.
FRANKLIN, GRINGER & COHEN, P.C.
Attorneys For Defendant
666 Old Country Road, Suite 202
Garden City, NY 11530-2013
(516) 228-3131

TO: Michael Berger, Esq.
Attorney For Plaintiff
Frank & Associates, P.C.
500 Bi-County Boulevard, Suite 465
Farmingdale, NY 11735
(631) 756-0400

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROBERT LEE WIGGINS, in his
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Plaintiff,

-against-

AFFIDAVIT OF SERVICE

THE GARDEN CITY GOLF CLUB, a/k/a
GARDEN CITY MEN'S CLUB d/b/a GARDEN
CITY GC,

Defendants.

-----X

STATE OF NEW YORK)
) ss:
COUNTY OF NASSAU)

SAMANTHA EUSEBIO, being duly sworn, deposes and says: deponent is not a party to the action, is over 18 years of age, and resides at Baldwin, New York.

On April 13, 2017 deponent served a true copy of the annexed **NOTICE OF MOTION** by mailing same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

Michael Berger, Esq.
Frank & Associates, P.C.
500 Bi-County Boulevard, Suite 465
Farmingdale, NY 11735



SAMANTHA EUSEBIO

Sworn to before me this
13th day of April, 2017



NOTARY PUBLIC

Beverley M. Lewis

Notary Public of State of New York

Qualified in New York County

LIC. No 01LE5055679 Commission Expires February 20, 2018